



US Army Corps
of Engineers

Detroit District

Applicant: Jeff Hartley

In Reply Refer To: Corps File No. LRE-2011-00400-16

Date: 09-November-2011

Expires: 29-November-2011

Public Notice

Proposed Fence in Saginaw Bay at Au Gres, Michigan

Applicant: Jeff Hartley, 2939 South Hale Road, Au Gres, Michigan, 48703

Project Location: The site is located in Lake Huron (Saginaw Bay) at the terminal end of South Hale Road, Au Gres, Arenac County, Michigan. The site is located at Michigan 2939 South Hale Road.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899.

State Authority: Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

Project Description: As shown on the attached plans, the applicant proposes to install 1000 foot fence, five foot high, consisting of fluorescent orange or black rubberized mesh four feet high secured to steel "T" posts. The T posts will be placed 30 feet apart. The fence mesh will be secured to the fence allowing for a one foot clearance at the ground level. The fence will be installed beginning at the terminal end of Hale Road and extend waterward 1000 feet. The purpose of the project is to limit trespass.

Avoidance & Minimization: The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "the footprint of the fence has been limited using steel "T" posts as opposed to the original wooden posts" The Corps has not verified the adequacy of the applicant's avoidance and minimization statement at this time.

Compensatory Mitigation: The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States:

Mitigation is not necessary or appropriate for the proposed work because: "the impacts will be minimal."

The Corps has not verified the adequacy of this mitigation proposal at this time.

Other Authorizations:

A permit from the Michigan Department of Environmental Quality under applicable provisions of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. The State file number is 11-06-0020.

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-2011-00400-16. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Wally Gauthier, Chief, Permit Evaluation Eastern Branch, Regulatory Office, Detroit District, Corps of Engineers, 477 Michigan Avenue, Detroit, Michigan 48226-2550. Comments may be e-mailed to: Mark.T.Lesinski@usace.army.mil, but must include a name and mailing address.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impact of the proposed activity on the public interest. This decision will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended.

We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite

. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property.

The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: This public notice and drawings are also available for viewing/printing at: <http://www.lre.usace.army.mil/functions/rf/html/pncur.htm>. Questions concerning this application may be directed to Mark Lesinski at the Corps of Engineers address listed above, or telephone number 989-684-5969.

FOR THE DISTRICT ENGINEER:

Wally Gauthier
Chief, Permit Evaluation Eastern Branch
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.